

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-12
)	
AUSTIN TSUTSUMI & ASSOCIATES,)	
INC. and Ted Kawahigashi,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around May 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Austin Tsutsumi & Associates, Inc. and Ted Kawahigashi ("Austin"). The Business Registration Division records list Ted Kawahigashi as President of Austin a civil engineering and surveying firm whose business address is 501 Sumner Street, Suite 521, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Austin and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around May 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Harris 2000 campaign committee ("Harris"), initiated an investigation involving excess contributions in violation of section 11-204(a), HRS.
 - 2. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
 - 3. The election period for Jeremy Harris and the Harris 2000 campaign committee for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.

4. On or about May 19, 1998, Austin made a contribution to Harris in the amount of \$1,000.
5. On or about June 2, 1999, Austin made a contribution to Harris in the amount of \$250.
6. On or about November 30, 1999, Austin made a contribution to Harris in the amount of \$1,000.
7. On or about December 21, 1999, Austin made a contribution to Harris in the amount of \$2,000.
8. Total contribution to Harris for the election period from Austin amounted to \$4,250, an excess contribution of \$250.
9. Austin acknowledges that an excess contribution of \$250 had been made to the Harris 2000 campaign committee in violation of section 11-204(a)(1)(C), HRS.
10. That excess contributions in violation of section 11-204(a)(1)(C), HRS was not knowing, intentional, or reckless pursuant to section 11-229, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-12, Austin understands and agrees to the following:

- (A) Austin agrees to an assessment of **Five Hundred Dollars** (\$500) pursuant to section 11-228, HRS.

(1) For violation of section 11-204(a)(1)(C), HRS,
making an excess campaign contribution to the
Harris 2000 campaign committee.

(B) Austin agrees to comply with campaign finance statutes on
contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of
the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing
a complaint under section 11-216, HRS, may review compliance with the
Agreement. If the Commission believes that the Agreement has been
violated, it may institute administrative proceedings or a civil action in the
Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have
signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission
and Austin on the matters raised herein, and no other statement, promise,
or agreement, either in writing or oral, not contained in this Agreement
made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further
action by the Commission with respect to the violations at issue in this
matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director
Campaign Spending Commission

By: _____

Date: _____

FOR THE RESPONDENTS:

Ted Kawahigashi, President
Austin Tsutsumi & Associates, Inc.

By: _____

Date: _____

(Name)

(Title)